

I am unable to approve Section 25, subsection 8. This item appropriates \$250,000 for the site purchase and preparation for the construction of a new state patrol post in Mason City. While this project is included in the 5-year plan for capital projects, there are other higher priorities, including a utilities update to the Toledo juvenile facility, and unit renovations at the Anamosa reformatory.

I am unable to approve Section 42 in its entirety. This language, added in the last hours of the legislative session, would create a variety of notice and bidding requirements for local projects that receive Vision Iowa funding. These requirements, because they are effective immediately, would jeopardize projects that have already received financial commitments. It would be unwise to delay projects, which could add to their cost, by imposing these last minute requirements upon them.

The bulk of the funds and the responsibility for the success of these projects rest with local officials and taxpayers. I believe that they are in the best position to determine how projects will be bid and awarded.

For the above reasons, I hereby respectfully approve House File 742 with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 186

APPROPRIATIONS — JUSTICE SYSTEM

S.F. 530

AN ACT relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
REGULAR APPROPRIATIONS**

Section 1. DEPARTMENT OF JUSTICE. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the general office of attorney general for salaries, support, maintenance, miscellaneous purposes including odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	7,900,519
.....	FTEs	200.50

2. For the prosecuting attorney training program for salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	304,943
.....	FTEs	6.00

3. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1,

2001, and ending June 30, 2002, an amount not exceeding \$200,000 to be used for the enforcement of the Iowa competition law. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from either damages awarded to the state or a political subdivision of the state by a civil judgment under chapter 553, if the judgment authorizes the use of the award for enforcement purposes or costs or attorneys fees awarded the state in state or federal antitrust actions. However, if the amounts received as a result of these judgments are in excess of \$200,000, the excess amounts shall not be appropriated to the department of justice pursuant to this subsection.

4. In addition to the funds appropriated in subsection 1, there is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$400,000 to be used for public education relating to consumer fraud and for enforcement of section 714.16, and an amount not exceeding \$75,000 for investigation, prosecution, and consumer education relating to consumer and criminal fraud against older Iowans. The funds appropriated in this subsection are contingent upon receipt by the general fund of the state of an amount at least equal to the expenditure amount from damages awarded to the state or a political subdivision of the state by a civil consumer fraud judgment or settlement, if the judgment or settlement authorizes the use of the award for public education on consumer fraud. However, if the funds received as a result of these judgments and settlements are in excess of \$475,000, the excess funds shall not be appropriated to the department of justice pursuant to this subsection.

5. For victim assistance grants:

..... \$ 1,918,384

a. The funds appropriated in this subsection shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

b. Notwithstanding sections 8.33 and 8.39, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure during the subsequent fiscal year for the same purpose, and shall not be transferred to any other program.

6. For the ODCP prosecuting attorney program and for not more than the following full-time equivalent positions:

..... \$ 132,037
..... FTEs 2.00

7. The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 20.00 FTEs and to provide maintenance for the victim compensation functions of the department of justice. However, the balance of the fund may also be used to provide salary and support for an additional 2.00 FTEs if either 2001 Iowa Acts, Senate File 259¹ or 2001 Iowa Acts, House File 684² is enacted.

8. The department of justice shall submit monthly financial statements to the legislative fiscal bureau and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of revenue and finance. The monthly financial statements shall include comparisons of the moneys and percentage spent of budgeted to actual revenues and expenditures on a cumulative basis for full-time equivalent positions and available moneys.

9. The department of justice and the department of corrections shall assist local regional jail development authorities in issuing a report regarding the development of regional jails. The report shall include but is not limited to the following: the design capacity, policy considerations, governance and management structure, staffing needs, food services, estimated design and construction costs, and evaluating cost sharing between the state, participating counties, and other political subdivisions. The report is due on or before February 1, 2002.

¹ Chapter 84 herein
² Not enacted

10. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2002, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include, but are not limited to, reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall report actual reimbursements for the fiscal year commencing July 1, 2000, and actual and expected reimbursements for the fiscal year commencing July 1, 2001.

b. The department of justice shall include the report required under paragraph "a", as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau. The department of justice shall submit the report on or before January 15, 2002.

11. For legal services for persons in poverty grants as provided in section 13.34:

.....	\$	670,000
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As a condition for accepting a grant funded pursuant to this subsection, an organization receiving a grant shall submit a report to the general assembly by January 1, 2002, concerning the use of any grants received during the previous fiscal year and efforts made by the organization to find alternative sources of revenue to replace any reductions in federal funding for the organization.

Sec. 2. DEPARTMENT OF JUSTICE — ENVIRONMENTAL CRIMES INVESTIGATION AND PROSECUTION — FUNDING. There is appropriated from the environmental crime fund of the department of justice, consisting of court-ordered fines and penalties awarded to the department arising out of the prosecution of environmental crimes, to the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, an amount not exceeding \$20,000 to be used by the department, at the discretion of the attorney general, for the investigation and prosecution of environmental crimes, including the reimbursement of expenses incurred by county, municipal, and other local governmental agencies cooperating with the department in the investigation and prosecution of environmental crimes.

The funds appropriated in this section are contingent upon receipt by the environmental crime fund of the department of justice of an amount at least equal to the appropriations made in this section and received from contributions, court-ordered restitution as part of judgments in criminal cases, and consent decrees entered into as part of civil or regulatory enforcement actions. However, if the funds received during the fiscal year are in excess of \$20,000, the excess funds shall be deposited in the general fund of the state.

Notwithstanding section 8.33, moneys appropriated in this section that remain unexpended or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purpose designated until the close of the succeeding fiscal year.

Sec. 3. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,690,067
.....	FTEs	32.00

Sec. 4. DEPARTMENT OF CORRECTIONS — FACILITIES. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning

July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	27,742,137
.....	FTEs	525.50

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, employment of correctional officers and a part-time chaplain to provide religious counseling to inmates of a minority race, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	23,591,417
.....	FTEs	403.50

Moneys are provided within this appropriation for two full-time substance abuse counselors for the Luster Heights facility, for the purpose of certification of a substance abuse program at that facility.

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,564,956
.....	FTEs	337.80

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	23,023,286
.....	FTEs	392.25

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, employment of correctional officers and a full-time chaplain to provide religious counseling at the Oakdale and Mt. Pleasant correctional facilities, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,677,580
.....	FTEs	341.09

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	7,178,143
.....	FTEs	119.00

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	17,952,898
.....	FTEs	294.75

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	12,229,337
.....	FTEs	236.00

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, employment of correctional officers, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	25,274,461
.....	FTEs	413.00

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17 and for offenders confined pursuant to section 904.513:

.....	\$	700,438
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k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

.....	\$	318,568
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The department of corrections shall use funds appropriated in this subsection to continue to contract for the services of a Muslim imam.

2. a. If the inmate tort claim fund for inmate claims of less than \$100 is exhausted during the fiscal year, sufficient funds shall be transferred from the institutional budgets to pay approved tort claims for the balance of the fiscal year. The warden or superintendent of each institution or correctional facility shall designate an employee to receive, investigate, and recommend whether to pay any properly filed inmate tort claim for less than the above amount. The designee’s recommendation shall be approved or denied by the warden or superintendent and forwarded to the department of corrections for final approval and payment. The amounts appropriated to this fund pursuant to 1987 Iowa Acts, chapter 234, section 304, subsection 2, are not subject to reversion under section 8.33.

b. Tort claims denied at the institution shall be forwarded to the state appeal board for their consideration as if originally filed with that body. This procedure shall be used in lieu of chapter 669 for inmate tort claims of less than \$100.

3. It is the intent of the general assembly that the department of corrections shall timely fill correctional positions authorized for correctional facilities pursuant to this section.

Sec. 5. DEPARTMENT OF CORRECTIONS — ADMINISTRATION. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For general administration, including salaries, support, maintenance, employment of an education director and clerk to administer a centralized education program for the correctional system, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,315,093
.....	FTEs	37.18

a. The department shall monitor the use of the classification model by the judicial district departments of correctional services and has the authority to override a district department’s decision regarding classification of community-based clients. The department shall notify a district department of the reasons for the override.

b. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not, except as otherwise provided in paragraph “c”, enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2001, for the privatization of services performed by the department using state employees as of July 1, 2001, or for the privatization of new services by the department, without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system.

c. It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employ-

ment of inmates in a correctional institution shall prohibit the private corporation from utilizing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

d. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

e. It is the intent of the general assembly that as a condition of receiving the appropriation provided in this subsection, the department of corrections shall not enter into any new agreement with a private for-profit agency or corporation for the purpose of transferring inmates under the custody of the department to a jail or correctional facility or institution in this state which is established, maintained, or operated by a private for-profit agency or corporation without prior approval by the general assembly.

2. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions at the correctional training center at Mt. Pleasant:

.....	\$	473,479
.....	FTEs	8.07

3. For educational programs for inmates at state penal institutions:

.....	\$	3,075,014
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It is the intent of the general assembly that moneys appropriated in this subsection shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this subsection to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

4. For the development of the departmentalwide Iowa corrections offender network (ICON) data system:

.....	\$	559,980
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5. The department of corrections shall submit a report to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2002, concerning the development and implementation of the Iowa corrections offender network (ICON) data system. The report shall include a description of the system and functions, a plan for implementation of the system, including a timeline, resource and staffing requirements for the system, and a current status and progress report concerning the implementation of the system. In addition, the report shall specifically address the ability of the system to receive and transmit data between prisons, community-based corrections district departments, the judicial branch, board of parole, the criminal and juvenile justice planning division of the department of human rights, the department of public safety, and other applicable governmental agencies. The report should include a detailed discussion of the cooperation with other state agencies and the judicial branch in the development and implementation of the system.

6. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2001, shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2001, without prior legislative approval, and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate, using inmates to grow produce and meat for institutional consumption, researching the possibility of instituting food canning and cook-and-chill operations, and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

7. The department of corrections shall submit a report to the general assembly by January 1, 2002, concerning moneys recouped from inmate earnings for the reimbursement of operational expenses of the applicable facility during the fiscal year beginning July 1, 2000, for each correctional institution and judicial district department of correctional services. In addition, each correctional institution and judicial district department of correctional services shall continue to submit a report to the legislative fiscal bureau on a monthly basis concerning moneys recouped from inmate earnings pursuant to sections 904.702, 904.809, and 905.14.

Sec. 6. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,870,274

b. For the second judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 6,740,702

c. For the third judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 4,033,736

d. For the fourth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 3,829,927

e. For the fifth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 11,823,192

f. For the sixth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 8,941,214

g. For the seventh judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,157,571

h. For the eighth judicial district department of correctional services, including the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amount, or so much thereof as is necessary:

..... \$ 5,033,178

i. For the department of corrections for the assistance and support of each judicial district department of correctional services, the following amount, or so much thereof as is necessary:

..... \$ 78,119

2. Each judicial district department of correctional services shall continue programs and plans established within that district to provide for intensive supervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

4. Each judicial district department of correctional services and the department of corrections shall continue the treatment alternatives to street crime programs established in 1989 Iowa Acts, chapter 225, section 9.

5. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

6. A drug court established in a judicial district department of correctional services shall only be offered to offenders if an adjudication of guilt has been entered, and felony offenses shall be given priority over misdemeanors.

7. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the violator program and the violator aftercare program to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative fiscal bureau by December 1, 2001. **The report shall include a description of the program and each judicial district's criteria for admission to the violator program at the Newton correctional facility and the Iowa correctional institution for women, the number of beds in the program, and the number of offenders placed in the program for the fiscal years beginning July 1, 1999, and ending June 30, 2001. The report shall also contain actual expenditures related to the program for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the budgeted expenditures for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, by revenue source, the characteristics of each offender including the offender's race and gender, the number of FTE positions used for the program, and quantitative measures analyzing the success of the program.**

8. In addition to the requirements of section 8.39, the department of corrections shall not make an intradepartmental transfer of moneys appropriated to the department, unless notice of the intradepartmental transfer is given prior to its effective date to the legislative fiscal bureau. The notice shall include information on the department's rationale for making the transfer and details concerning the work load and performance measures upon which the transfers are based.

9. The department of corrections and the eight judicial district departments of correctional services shall submit a combined comprehensive report on the use of intermediate criminal sanctions program pursuant to chapter 901B to the cochairpersons and ranking

* Item veto; see message at end of the Act

members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2002. **The report shall include a description of the program and the criteria used for placement at each intermediate sanction level or sublevel of the corrections continuum within each district plan, the number of offenders placed at each intermediate sanction level or sublevel in each district for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the number of offenders expected to be placed in the program for the fiscal year beginning July 1, 2001, and ending June 30, 2002, and the capacity for each level and sublevel within the continuum. The report shall also contain actual expenditures related to the continuum for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, the budgeted expenditures for each fiscal year of the fiscal period beginning July 1, 1999, and ending June 30, 2001, by revenue source, the characteristics of each offender including the offender's race and gender at each level and sublevel, the number of FTE positions working in positions related to the continuum, and quantitative measures analyzing the success of the program.**

10. The department of corrections in cooperation with the second, third, fourth, and fifth judicial district departments of correctional services, shall implement procedures to provide continuing evaluation of the drug courts. The evaluation shall include a description of the two models currently being used by the judicial districts, a description of the program, criteria for admission, program capacity, number of offenders in the program by offense class, program expenditures, and quantitative outcome measures including successful completion and recidivism rates.

Sec. 7. CORRECTIONAL INSTITUTIONS — VOCATIONAL TRAINING.

1. The state prison industries board and the department of corrections shall continue the implementation of a plan to enhance vocational training opportunities within the correctional institutions listed in section 904.102, as provided in 1993 Iowa Acts, chapter 171, section 12. The plan shall provide for increased vocational training opportunities within the correctional institutions, including the possibility of approving community college credit for inmates working in prison industries. The department of corrections shall provide a report concerning the implementation of the plan to the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative fiscal bureau, on or before January 15, 2002.

2. It is the intent of the general assembly that each correctional facility make all reasonable efforts to maintain vocational education programs for inmates and to identify available funding sources to continue these programs. The department of corrections shall submit a report to the general assembly by January 1, 2002, concerning the efforts made by each correctional facility in maintaining vocational education programs for inmates.

3. The department of corrections shall submit a report on inmate labor to the general assembly, the cochairpersons, and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative fiscal bureau by January 15, 2002. The report shall specifically address the progress the department has made in implementing the requirements of section 904.701, inmate labor on capital improvement projects, community work crews, and private-sector employment.

4. Each month the department shall provide a status report regarding private-sector employment to the legislative fiscal bureau beginning on July 1, 2001. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch depart-

* Item veto; see message at end of the Act

ments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries.

3. State agencies shall submit to the legislative fiscal bureau by January 15, 2002, a report of the dollar value of products and services purchased from Iowa state industries by the state agency during the fiscal year beginning July 1, 2000, and ending June 30, 2001.

Sec. 9. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, for the purposes designated:

..... \$ 34,607,759

The funds appropriated and full-time equivalent positions authorized in this section are allocated as follows:

1. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 14,793,660
..... FTEs 202.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

..... \$ 19,814,099

Sec. 10. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

..... \$ 1,306,546
..... FTEs 29.05

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of the Iowa state patrol, prior to turning over the automobiles to the state fleet administrator to be disposed of by public auction and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of the Iowa state patrol.

Sec. 11. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 1,019,507
..... FTEs 16.50

A portion of the funds appropriated in this section shall be used to continue a pilot program for probation violations in the sixth judicial district department of correctional services. Data shall be maintained to evaluate the pilot program.

Sec. 12. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	5,190,924
.....	FTEs	259.76

If there is a surplus in the general fund of the state for the fiscal year ending June 30, 2002, within 60 days after the close of the fiscal year, the military division may incur up to an additional \$500,000 in expenditures from the surplus prior to transfer of the surplus pursuant to section 8.57.

2. EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,051,608
.....	FTEs	25.25

Sec. 13. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department’s administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	2,404,533
.....	FTEs	39.80

2. For the division of criminal investigation and bureau of identification including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	11,931,266
.....	FTEs	233.50

Of the full-time equivalent positions authorized in this subsection, the division of criminal investigation may use 2.00 FTEs for the establishment of an elderly crime unit if federal funding is obtained. If federal funding is obtained and subsequently discontinued, the 2.00 FTEs shall be eliminated.

Riverboat enforcement costs shall be billed in accordance with section 99F.10, subsection 4. The costs shall be not more than the department’s estimated expenditures, including salary adjustment, for riverboat enforcement for the fiscal year.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat regulated after July 1, 2001, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1, 2001. One additional gaming enforcement officer, up to a total of four per boat, may be employed for each riverboat that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. a. For the division of narcotics enforcement, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the

amount of 17 percent of the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	3,501,690
.....	FTEs	61.00

b. For the division of narcotics enforcement for undercover purchases:

.....	\$	129,804
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4. a. For the state fire marshal’s office, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	1,831,002
.....	FTEs	38.80

b. For the state fire marshal’s office, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for not more than the following full-time equivalent positions:

.....	\$	606,460
.....	FTEs	12.00

5. For the capitol police division, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated and for not more than the following full-time equivalent positions:

.....	\$	1,240,582
.....	FTEs	26.00

6. For the division of the Iowa state patrol of the department of public safety, for salaries, support, maintenance, workers’ compensation costs, and miscellaneous purposes, including the state’s contribution to the peace officers’ retirement, accident, and disability system provided in chapter 97A in the amount of 17 percent of the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

.....	\$	36,676,633
.....	FTEs	567.25

7. For costs associated with the maintenance of the automated fingerprint information system (AFIS):

.....	\$	239,743
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8. For deposit in the public safety law enforcement sick-leave benefit fund established under section 80.42, for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

.....	\$	288,139
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9. An employee of the department of public safety who retires after July 1, 2001, but prior to June 30, 2002, is eligible for payment of life or health insurance premiums as provided for in the collective bargaining agreement covering the public safety bargaining unit at the time of retirement if that employee previously served in a position which would have been covered by the agreement. The employee shall be given credit for the service in that prior position as though it were covered by that agreement. The provisions of this subsection shall not operate to reduce any retirement benefits an employee may have earned under other collective bargaining agreements or retirement programs.

10. For costs associated with the training and equipment needs of volunteer fire fighters and for not more than the following full-time equivalent positions:

.....	\$	573,154
.....	FTEs	1.00

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

DIVISION II
SUPPLEMENTAL APPROPRIATION

Sec. 14. SUPPLEMENTAL APPROPRIATION TO THE FORT MADISON CORRECTIONAL FACILITY. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2000, and ending June 30, 2001, the following amount, or so much thereof as is necessary, to be used for the purposes designated, in addition to the appropriation made for those purposes in 2000 Iowa Acts, chapter 1229, section 4:

For compliance at the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 2,000,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure in subsequent fiscal years for the purposes specified in the section.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION III
CODE CHANGES

Sec. 16. Section 18.120, Code 2001, is amended to read as follows:

18.120 REPLACEMENT FUND.

1. The state fleet administrator shall maintain a depreciation fund for the purchase of replacement motor vehicles and additions to the fleet. The state fleet administrator's records shall show the total funds deposited by and credited to each department or agency thereof. At the end of each month, the state fleet administrator shall render a statement to each state department or agency thereof for additions to the fleet and total depreciation credited to that department or agency. Such depreciation expense shall be paid by the state departments or agencies in the same manner as other expenses of such department are paid, and shall be deposited in the depreciation fund to the credit of the department or agency thereof. The funds credited to each department or agency thereof shall remain the property of the department or agency. However, at the end of each biennium, the state fleet administrator shall cause to revert to the fund from which it accumulated any unassigned depreciation.

2. The department of corrections is not obligated to pay the depreciation expense otherwise required by this section.

Sec. 17. NEW SECTION. 80.42 SICK LEAVE BENEFITS FUND.

1. A sick leave benefits fund is established in the office of the treasurer of state under the control of the department of public safety. The moneys annually credited to the fund are appropriated to the department to pay health and life insurance monthly premium costs for retired departmental employees and beneficiaries who are eligible to receive benefits for accrued sick leave under the collective bargaining agreement with the state police officers council or pursuant to section 70A.23.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys credited to the sick leave benefits fund shall be credited to the sick leave benefits fund. Notwithstanding section 8.33, moneys credited to the sick leave benefits fund at the end of a fiscal year shall not revert to any other fund but shall remain in the fund for purposes of the fund.

3. Notwithstanding section 8.39, if funds are needed to pay monthly premium costs as provided for in subsection 1, sufficient funds may be transferred and credited to the sick leave benefits fund from any moneys appropriated to the department.

*Sec. 18. Section 904.513, subsection 2, Code 2001, is amended to read as follows:

2. Upon request by the director a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a program under this chapter, if space is

available in the county. The department shall negotiate a reimbursement rate with each county. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. A county holding offenders in jail due to insufficient space in a community residential facility shall be reimbursed as provided in this subsection. Payment shall be made upon submission of a ~~voucher~~ United States marshal's service cost sheet executed by the sheriff and approved by the director.*

*Sec. 19. Section 904.908, subsection 2, Code 2001, is amended to read as follows:

2. The Iowa department of corrections shall negotiate a reimbursement rate with each county for the temporary confinement of alleged violators of work release conditions who are in the custody of the director of the Iowa department of corrections or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. Payment shall be made upon submission of a ~~voucher~~ United States marshal's service cost sheet executed by the sheriff and approved by the director of the Iowa department of corrections.*

*Sec. 20. Section 906.17, subsection 2, Code 2001, is amended to read as follows:

2. The Iowa department of corrections shall reimburse a county for the temporary confinement of alleged parole violators. The amount to be reimbursed shall be determined by multiplying the number of days confined by the average daily cost of confining a person in the county facility as negotiated by the department. The average daily cost shall not include administrative support personnel costs as defined in the United States marshal's service cost sheet for detention services. Payment shall be made upon submission of a ~~voucher~~ United States marshal's service cost sheet executed by the sheriff and approved by the director of the Iowa department of corrections.*

Sec. 21. 1998 Iowa Acts, chapter 1101, section 15, subsection 2, as amended by 1999 Iowa Acts, chapter 202, section 25, and as amended by 2000 Iowa Acts, chapter 1229, section 25, is amended to read as follows:

2. a. There is appropriated from surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~ 2002, an amount not to exceed two hundred thousand dollars to be used for the implementation, support, and maintenance of the functions of the E911 administrator. The amount appropriated in this paragraph includes any amounts necessary to reimburse the division of emergency management of the department of public defense pursuant to paragraph "b".

b. Notwithstanding the distribution formula in section 34A.7A, as enacted in this Act, and prior to any such distribution, of the initial surcharge moneys received by the E911 administrator and deposited into the wireless E911 emergency communications fund, for each fiscal year in the fiscal period beginning July 1, 1998, and ending June 30, ~~2001~~ 2002, an amount is appropriated to the division of emergency management of the department of public defense as necessary to reimburse the division for amounts expended for the implementation, support, and maintenance of the E911 administrator, including the E911 administrator's salary.

Sec. 22. LEGISLATIVE STUDY — INVOLUNTARY HOSPITALIZATION AND INVOLUNTARY COMMITMENT PROCEEDINGS. The legislative council is requested to establish a study committee during the 2001 interim on issues relating to involuntary hospitalization including, but not limited to, both inpatient and outpatient commitment proceedings and

* Item veto; see message at end of the Act

advanced directives. The study committee shall consist of legislator members of both political parties from both houses of the general assembly, representatives of the judicial branch and the department of corrections, counties, law enforcement personnel, including police officers and sheriffs, mental health consumers, mental health advocacy groups, including, but not limited to, representatives from the alliance for the mentally ill and mental health advocates, representatives from the Iowa department of public health, and representatives from the psychiatric and psychological services community.

Approved May 30, 2001, with exceptions noted.

THOMAS J. VILSACK, Governor

Dear Mr. Secretary:

I hereby transmit Senate File 530, an Act relating to and making appropriations to the justice system, making related statutory changes, and providing an effective date.

Senate File 530 is a bill I approve with great reluctance. Much of the progress made in the area of safe communities just last year has been eliminated. This will no doubt have a negative impact on the safety of the citizens of this state. Recently authorized narcotics agents, who along with other law enforcement personnel are on the front lines in this state fighting the battle of illegal drug markets, have been eliminated. Reductions in operational funding of criminal laboratory personnel as well as general criminal operations come at a time when the processing of criminal evidence and turnaround time is at a critical threshold. Delays and impacts will be felt throughout our criminal justice system. The magnitude of the reductions in the Iowa State Patrol will impact the safe travel and timely response to those in need while using our roads. This comes at a time when our roads are carrying the greatest volume of traffic ever!

Within the Department of Corrections budget, many efforts to reduce the demand for future prison growth, implemented during the previous legislative session have also been eliminated or greatly curtailed. The reduction of funding for new drug courts will continue the cycle of the nonviolent drug offenders. The previous legislative work of adding new Community Based Corrections client supervision personnel, whose funding was severely reduced in this bill, will not only impact the safety of citizens in this state, but these shortsighted decisions, as implemented, will also overburden an already understaffed Community Based Corrections system. Community Based Corrections will be very hard pressed not to impact even further the growing prison population, which has in the month of May, hit the highest level of incarceration in Iowa history. These demands will test and stretch beyond the level of reasonableness our correctional institutions resources given the general fund reduction of over \$6.0 million in funding from the previous year.

Additionally, under-funding in the area of the Indigent Defense legal representation system is also a budget decision that will no doubt need to be revisited during the next fiscal year. As quoted in the Des Moines Register editorial of 5/16/01: "The state public defenders' office, either with public defenders or private lawyers, must provide legal representation to the poor. It makes no sense to reduce the Indigent Defense Fund to \$19.8 million from the \$21.2 million. The state will have to somehow come up with additional money needed." These are shortsighted decisions; the people of Iowa expect more of their public servants. The budget I recommended included sound budgeting practices — investment decisions for future policy outcomes that would have this state preparing for tomorrow's challenges. We must be better prepared for the future, not just react to its problems.

Senate File 530 is therefore, approved on this date with the following exceptions, which I hereby disapprove.

I am unable to approve the designated portion of Section 6, subsection 7 and the designated portion of Section 6, subsection 9. Both of these items require the Department of Corrections to re-create requested data back to 1999. The ability to manually collect the required data, given the cutbacks to the correctional system is very limited and would produce a report of marginal value. I have instructed the Department of Corrections to continue to make best efforts to respond to individual cases as needed.

I am unable to approve the items designated as Sections 18, 19, and 20 in their entirety. These sections involve the reimbursement of temporarily confining a person in a county facility for violations regarding OWI, prison work release, and parole. The proposed language, which intends to require the exclusion of administrative costs, would be a good start at addressing the specific costs to be included in the daily cost reimbursement. However, the proposed language is vague and the United States marshal's service cost sheet does not provide any definition of administrative support personnel costs. This provision may even markedly increase county confinement costs. The Department of Corrections has offered both a proposed bill and alternative clarifying language for consideration that involves paying a proportional share of daily direct security supervision costs. I have directed the Department of Corrections to negotiate further an acceptable daily reimbursement rate with each county.

For the above reasons, I hereby respectfully approve Senate File 530, with the exceptions noted above.

Sincerely,
THOMAS J. VILSACK, Governor

CHAPTER 187

APPROPRIATIONS — ADMINISTRATION AND REGULATION

S.F. 531

AN ACT relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. AUDITOR OF STATE. There is appropriated from the general fund of the state to the office of the auditor of state for the fiscal year beginning July 1, 2001, and ending June 30, 2002, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,211,514
.....	FTEs	116.68

The auditor of state may retain additional full-time equivalent positions as is reasonable and necessary to perform governmental subdivision audits which are reimbursable pursu-